



ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS

Felecia A. Rotellini
Superintendent of Financial Institutions

Janet Napolitano
Governor

April 25, 2007

Anna Solis
3205 W. Paradise Dr.
Phoenix, AZ 85029

Reference: Docket No. 07F-BD054-BNK—Anna Solis

Dear Ms. Solis:

I have completed my review of the record in the matter of Anna Solis. Enclosed is my Final Decision and Order.

Please be advised that, pursuant to A.R.S. § 41-1092.09, this Order shall be final unless written motion for rehearing is submitted no later than thirty (30) days after service of this decision. The motion for rehearing or review must specify the particular grounds upon which it is based. In the alternative, the parties may seek judicial review of this decision pursuant to A.R.S. §41-1092.08(H).

Please contact Assistant Attorney General Erin O. Gallagher at (602) 542-8935 with any questions.

Sincerely,

Felecia Rotellini
Superintendent

EB:jb

cc: Erin O. Gallagher, Assistant Attorney General

1 **ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS**

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3 In the Matter of the Removal and the Prohibition of:

4 **ANNA SOLIS**
5 3205 W. Paradise Dr.
6 Phoenix, AZ 85029

7 Respondent.

No. 07F-BD054-BNK

**SUPERINTENDENT'S FINAL
DECISION AND ORDER**

8 The Superintendent of Financial Institutions (the "Superintendent") having reviewed the record
9 in this matter, including the transcript of the March 29, 2007 administrative hearing, and the,
10 Administrative Law Judge Decision attached and incorporated herein by this reference, adopts the
11 Administrative Law Judge's Findings of Fact, Conclusions of Law and Recommended Decision.

12 **ORDER**

13 IT IS ORDERED that Respondent is removed from further participation in any manner in the
14 affairs of any financial institution or enterprise in the State of Arizona.

15 **NOTICE**

16 The parties are advised that, pursuant to A.R.S. § 41-1092.09, this Order shall be final unless
17 Respondent submits a written motion for rehearing no later than thirty (30) days after service of this
18 decision. The motion for rehearing or review must specify the particular grounds upon which it is
19 based as set forth in A.A.C. R20-4-1219. A copy shall be served upon all other parties to the hearing,
20 including the Attorney General, if the Attorney General is not the party filing the claim of error. In the
21 alternative, the parties may seek judicial review of this decision pursuant to A.R.S. § 41-1092.08(H).

22 DATED this 25th day of April, 2007.

23 

24 Felecia Rotellini
25 Superintendent of Financial Institutions

1 ORIGINAL filed this 28th day of
2 April, 2007, in the office of:

3 Felecia Rotellini
4 Superintendent of Financial Institutions
5 Arizona Department of Financial Institutions
6 ATTN: June Beckwith
2910 North 44th Street, Suite 310
Phoenix, Arizona 85018

7 COPY of the foregoing mailed/hand delivered
8 This same date to:

9 Dorinda M. Lang, Administrative Law Judge
10 Office of Administrative Hearings
1400 West Washington, Suite 101
Phoenix, AZ 85007

11 Erin O. Gallagher, Assistant Attorney General
12 Office of the Attorney General
1275 West Washington
13 Phoenix, AZ 85007

14 Robert D. Charlton, Assistant Superintendent
15 Arizona Department of Financial Institutions
2910 N. 44th Street, Suite 310
16 Phoenix, AZ 85018

17 AND COPY MAILED SAME DATE by
18 Certified Mail, Return Receipt Requested, to:

19 Anna Solis
3205 W. Paradise Dr.
Phoenix, AZ 85029

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21 BY: June Beckwith
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1 case, and an extension of the date to file my written answer. Need to view files I do not
2 have or keep copies of every filed (sic) closed so enable (sic) to say anything about
3 them cause I do not remember everything." The motion was denied on March 15, 2007
4 because it did not constitute good cause for a continuance. Ms. Solis did not ask the
5 Department of Financial Institutions for an extension of the time to file an answer.

6 4. On March 29, 2007, the matter came on for hearing at the Office of Administrative
7 Hearings, an independent agency authorized to conduct hearings in matters arising out
8 of State legislation. Ms. Solis appeared at hearing. She stated at that time that she did
9 not yet have an attorney and would not be able to respond to the allegations until she
10 had more time to go through the files. She did not propose any legally excusable
11 reason for failing to file a timely answer to the Notice of Hearing.

12 5. The Assistant Attorney General representing the Department of Financial Institutions
13 argued that she did not file a timely answer to the Notice of Hearing or contact the
14 Department to request an extension of time to answer. It is also noted that her motion
15 to the Office of Administrative Hearings was not made within the 20 days allowed to file
16 an answer either. The Department asked that the failure to file an answer be deemed
17 an admission to all of the allegations in the Notice of Hearing. When given an
18 opportunity to make any argument against deeming her failure to answer an admission,
19 Ms. Solis offered no additional comments or arguments.

20 6. The Administrative Law Judge ruled in favor of the Department and found that all of
21 the allegations were deemed admitted. Ms. Solis offered no legal or factual argument
22 or information to place in the record; therefore, no testimony was taken in the matter
23 and the record was closed.

24 CONCLUSIONS OF LAW

25 1. This matter is within the jurisdiction of the Superintendent of the Arizona Department
26 of Financial Institutions pursuant to A.R.S. §§ 6-138, 6-161, and 41-1092.02.

27 2. A.R.S. § 6-834(A) provides that escrow money must be deposited in the appropriate
28 accounts as soon as is reasonably practicable. A.R.S. § 6-841.01(A) provides that an
29 escrow agent is the trustee of money collected or received and held in escrow. A.R.S.
30 § 6-161(A)(1) provides that the Superintendent may remove or suspend from office of
prohibit from participation in affairs of financial institutions or enterprises those
employees and others who demonstrate personal dishonesty or unfitness in a business

1 transaction. A.R.S. § 6-161(A)(6) provides that the Superintendent has the same
2 power if an employee such as Respondent violates any other provision of that title.

3 3. Pursuant to A.A.C. R20-4-1209, Ms. Solis had 20 days to file a written answer to the
4 allegations contained in the Notice of Hearing. A.R.S. § 6-161(B) provides that if Ms.
5 Solis failed to answer the charges without excusable neglect, the Superintendent may
6 issue the appropriate order. Ms. Solis failed to file an answer at any time prior to the
7 hearing. She did not offer any reason for her failure to do so that would constitute
8 excusable neglect either in her request for a continuance or at the time of the hearing.
9 Since she did not file an answer at any time prior to the hearing, and since the
10 Department has requested that the allegations be deemed admitted, it is recommended
11 that the allegations be deemed admitted.

12 4. In addition to the time she had to file an answer, Ms. Solis was given the opportunity
13 at hearing to make a legal argument against finding that the admitted allegations did not
14 constitute violations of the applicable escrow statutes. She had no argument or excuse
15 to offer at that time.

16 5. The allegations set forth several instances that would constitute violations of the
17 escrow statutes A.R.S. §§ 6-834(A) and 6-841.01(A). Pursuant to A.R.S. §§ 6-
18 161(A)(1), 6-161(A)(6), the Superintendent has the authority to remove and prohibit Ms.
19 Solis from participating in any manner in the conduct of affairs of any financial institution
20 or enterprise.

21 RECOMMENDED DECISION

22 Based upon the foregoing considerations, the undersigned Administrative Law Judge
23 hereby recommends that the Superintendent of the Arizona Department of Financial
24 Institutions remove Anna Solis from any and all positions she may hold in any financial
25 institution or enterprise and prohibit her from participating in the affairs in any financial
26 institution or enterprise in the future.

27 Done this day, April 6, 2007

28 OFFICE OF ADMINISTRATIVE HEARINGS

29 
30 Dorinda M. Lang
Administrative Law Judge

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3 Original transmitted by mail this
4 9 day of April, 2007, to:

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6 Arizona Department of Financial Institutions
7 Felecia Rotellini
8 ATTN: June Beckwith
9 2910 North 44th Street, Suite 310
10 Phoenix, AZ 85018

11 By Chris Fishbein
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